

ORIGINAL

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Attorneys for **HOME DEPOT, U.S.A., INC.**

UNITED STATES BANKRUPTCY COURT

DISTRICT OF ARIZONA

In re:	)	Case Nos. 98-12547 through
	)	98-12570-ECF-CGC
	)	Jointly Administered
BCE WEST, L.P., et al.,)	
	)	Chapter 11
Debtors.	)	HOME DEPOT'S OPPOSITION TO
	)	DEBTORS' PROPOSED AGENDA
EID: 38-3196719	)	CONTINUING HEARING ON MOTION
	)	FOR ORDER AUTHORIZING
	)	ASSUMPTION OF LEASE OF
	)	NONRESIDENTIAL REAL PROPERTY
	)	(STORE NO. 1127)
)	
	)	Date: July 20, 1999
	)	Time: 10:00 a.m.
)	Place: Courtroom 6
)	2929 North Central Avenue
)	Phoenix, Arizona 85067-4151

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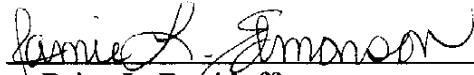
1 Based on conversations with Debtors' counsel and a review of the Court's docket
2 in this matter, Home Depot is informed that the Debtors' Agenda for the hearing at the
3 above-mentioned time shows a continuance of the hearing on the Debtors' motion to
4 assume the lease of nonresidential real property for Store No. 1127 located at the San
5 Jose/Hillsdale Shopping Center. Home Depot files this pleading to assist the Court in
6 its calendering of matters at the hearing.

7 Presently, there is a discovery dispute between Home Depot and the Debtors with
8 regard to discovery propounded by Home Depot on BC Goldengate LLC, the lessee
9 under the Lease. In its discovery, Home Depot seeks information pertaining to the
10 assumption of the Lease by the Debtors and certain financial information relating to the
11 Lease.

12 While Home Depot does not oppose the continuance of the substance of the
13 Debtors' Motion, it does oppose the continuance of the hearing as to the entire matter.
14 Home Depot asserts that the matters pending between the Debtors and Home Depot need
15 to be brought to the Court's attention and resolved at the July 20, 1999 hearing.

16
17 Date: July 16, 1999

RUTTER, HOBBS & DAVIDOFF,
INCORPORATED

19 By: 
20 Brian L. Davidoff
21 Jamie L. Edmonson
22 Attorneys for HOME DEPOT, U.S.A., INC.

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PROOF OF SERVICE VIA E-MAIL

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action; my business address is 1900 Avenue of the Stars, Suite 2700, Los Angeles, California 90067.

On July 16, 1999, I served the foregoing document described as:

**HOME DEPOT'S OPPOSITION TO DEBTORS' PROPOSED AGENDA
CONTINUING HEARING ON MOTION FOR ORDER AUTHORIZING
ASSUMPTION OF LEASE OF NONRESIDENTIAL REAL PROPERTY (STORE
NO. 1127)**

on the interested parties in this action *via e-mail* as follows:

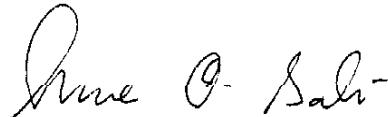
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Akin, Gump, Strauss, Hauer & Feld LLP
E-mail: rstroube@akingump.com

Executed on July 16, 1999, at Los Angeles, California.

{ } I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

{xx} I declare that I am employed in the office of a member of the Bar of this Court at whose direction this service was made.



ANNE O. SALANO

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**HOME DEPOT'S OPPOSITION TO DEBTORS' PROPOSED AGENDA
CONTINUING HEARING ON MOTION FOR ORDER AUTHORIZING
ASSUMPTION OF LEASE OF NONRESIDENTIAL REAL PROPERTY
(STORE NO. 1127)**

(PLEASE SEE ATTACHED)

I am readily familiar with this law firm's practice of collection and processing correspondence for mailing. It is deposited with the U. S. Postal Service on the same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit indicated for mailing in this affidavit.

{ } I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

June 9. Salt-

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PROOF OF SERVICE VIA FEDERAL EXPRESS

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES} ss.

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 1900 Avenue of the Stars, Suite 2700, Los Angeles, California 90067.

On July 16, 1999, I served the attached document described as:

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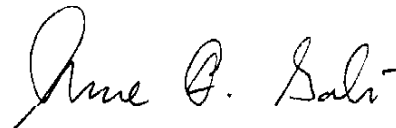
on all interested parties in this action by placing a true copy thereof enclosed in sealed envelopes *via federal express* addressed as follows:

(Please see Attached Service List)

Executed on July 16, 1999, at Los Angeles, California.

☐ (STATE) I declare under penalty of perjury under the laws of the state of California that the above is true and correct.

☒ (FEDERAL) I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.



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